

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olufunke Awosogba	Team: Team # 6	CCRB Case #: 200803110	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/01/2008 8:30 PM	Location of Incident: Front desk of 45th Pct.	Precinct: 45	18 Mo. SOL 9/1/2009	EO SOL 9/1/2009	
Date/Time CV Reported Sat, 03/01/2008 9:02 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 03/01/2008 9:02 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. SGT Mervin Bennett	00255	920019	045 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.SGT Mervin Bennett	Abuse: Sgt. Mervin Bennett threatened to arrest § 87(2)(b)				

## Synopsis

On March 1, 2008, at approximately 8:30 p.m. § 87(2)(b) entered the 45<sup>th</sup> Precinct Station House to complain about an ambulance truck parked in front of her house. Sgt. Melvin Bennett, who was the desk sergeant at the time, allegedly ordered officers to arrest § 87(2)(b) by saying, “Book her. Book her (allegation A).” § 87(2)(b) was subsequently led out of the precinct station house by two officers without incident.

§ 87(2)(g)

## Summary of Complaint

§ 87(2)(b) (enc. 4a-c)

On March 1, 2008 § 87(2)(b) a § 87(2)(b) in the Bronx, filed this complaint with the CCRB via the Call Processing System. On March 10, 2008, the CCRB visited § 87(2)(b) at her house regarding this incident. At this time, § 87(2)(b) provided an in-person statement, which was consistent with her initial statement. She stated that on March 1, 2008, at approximately 8:30 p.m. there was an ambulance parked over the sidewalk and against her property. § 87(2)(b) and spoke to the EMT’s about parking the ambulance truck on her property. § 87(2)(b) also complained that the motor for the ambulance was running and that the lights were flashing into her home. The EMT’s told § 87(2)(b) that there was an emergency, and § 87(2)(b) told them that the emergency was not in her house. § 87(2)(b) went inside of the 45<sup>th</sup> Precinct Station House, which is located across the street from her house, and complained to officers about the ambulance being on her property and blocking the sidewalk. § 87(2)(b) stated that she didn’t get into the station house beyond two yards, when the desk sergeant (black male) yelled, “Book her. Book her. Book her.” § 87(2)(b) stated that the sergeant pointed at her as he screamed for someone to arrest her. § 87(2)(b) stated that a captain came out of an officer, and § 87(2)(b) stated that she asked if the officers think that her house is an extension of the 45<sup>th</sup> Precinct. § 87(2)(b) stated that another officer (black or Hispanic male) came to her and kindly told her to follow him. He escorted § 87(2)(b) out of the station house. § 87(2)(b) stated that she will not be able to identify the officers if she saw photos of them because the lighting was dim inside of the station house and because her eyesight was not great. § 87(2)(b) mentioned that she filed a complaint with the proper agency about EMS parking their truck on her property.

§ 87(2)(b) stated that she would like the 45<sup>th</sup> Precinct to respect her privacy and to speak to people with courtesy. She stated that she has been having problems with the precinct disrespecting her property for the past two to three years now. § 87(2)(b) stated that she feels that the precinct has been retaliating against her and her daughter, Elizabeth § 87(2)(b) when they have complained about cars owned by the police department or by members of the police department being on her property. The CCRB referred this on-going situation to IAB (case number 200803626).

The mediation and investigative processes were explained to § 87(2)(b) stated she would not be able to pursue the complaint through mediation because she would not be able to come to the CCRB.

## Results of Investigation

### Attempt to Identify Witnesses

§ 87(2)(b) and Sgt. Bennett mentioned that two officers were present during the incident and escorted § 87(2)(b) out of station house as a result of the incident. However, neither § 87(2)(b) nor Sgt. Bennett was able to identify these witness officers, and their statement would not change the disposition of the allegation.

### Sgt. Melvin Bennett (enc. 5a-b)

On May 21, 2008, the CCRB interviewed Sgt. Melvin Bennett from the 45<sup>th</sup> Precinct. Sgt. Bennett has been assigned to the 45<sup>th</sup> Precinct for over three years. Sgt. Bennett is a § 87(2)(b), black male with § 87(2)(b). On March 1, 2008, he worked alone as the desk sergeant inside of the 45<sup>th</sup> Precinct station house from 4:00 p.m. until 12:00 a.m. Sgt. Bennett stated that any entries during this tour will be in the precinct command log, and that there were no entries in the command log regarding this incident.

Sgt. Bennett stated that at approximately 8:30 pm. on March 1, 2008, EMS workers arrived at the precinct station house to provide medical treatment to a prisoner. During this time, § 87(2)(b) entered that station house and began yelling at the EMT's about parking their truck on the sidewalk in front of her house. Sgt. Bennett stated that he w Sgt. Bennett stated that the holding cell area is about 5 feet from the entrance to the station house. Sgt. Bennett told § 87(2)(b) that the EMT's were tending to an injured prisoner, and that they will move their vehicle when they are done. § 87(2)(b) continued complaining to the EMT's about their truck in front of her house. Sgt. Bennett stated that he told § 87(2)(b) to leave the station house twice, but § 87(2)(b) refused to listen. Sgt. Bennett then directed two unknown officers to escort § 87(2)(b) out of the station house. Sgt. Bennett stated that he did not recall the officers that escorted § 87(2)(b) out of the station house. Sgt. Bennett denied that he threatened to arrest § 87(2)(b) during the incident, and stated that § 87(2)(b) left the station house with the officers without incident.

Sgt. Bennett stated that § 87(2)(b) and her daughter had made numerous complaints against the 45<sup>th</sup> Precinct in regards to parking and has made complaints against officers of the 45<sup>th</sup> Precinct. § 87(2)(b)'s daughter has also come into the station house and § 87(2)(b)

#### **Police Documents (enc. 6a-7d)**

The 45<sup>th</sup> Precinct roll call for March 1, 2008, tour 3 shows that Sgt. Bennett was assigned as the desk sergeant.

#### **Civilian's Criminal Conviction History**

§ 87(2)(b) has no criminal conviction history.

#### **Civilian's CCRB History (enc. 2a)**

§ 87(2)(b) has no other pending complaints with the CCRB.

#### **Officer's CCRB History (enc. 1a-b)**

Sgt. Bennett has never been disciplined as a result of a CCRB complaint.

### **Conclusions and Recommendations**

#### **Officer Identification**

§ 87(2)(b) stated that the officer that she interacted with was the desk sergeant at the precinct station house and she described him as a black male. The roll call showed that Sgt. Bennett, a black male, was assigned as the desk sergeant in the station house during the time of the incident. Moreover, Sgt. Bennett confirmed his involvement in the incident.

#### **Undisputed Facts and Disputed Issues**

§ 87(2)(b) entered the 45<sup>th</sup> Precinct station house to complain about an EMS truck being parked in front of her house. Sgt. Bennett told § 87(2)(b) to leave the precinct. It is disputed, however, that Sgt. Bennett threatened § 87(2)(b) with an arrest. § 87(2)(b) was escorted out of the station house by two officers.

#### **Assessment of Evidence**

§ 87(2)(g)

Allegation A: Sgt. Mervin Bennett threatened to arrest § 87(2)(b)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: